

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT COURT OF OKLAHOMA

JUDITH and JAY IDE
NEXT FRIEND of JON IDE

v.

BROKEN ARROW PUBLIC
SCHOOLS.

Case no.

01CV0105H (J)

FILED

FEB 12 2001

Phil Lombardi, Clerk
U.S. DISTRICT COURT

COMPLAINT

COMES NOW, the Planitiff in the above referenced action and for his cause of action
against the Defendant shows the court as follows:

JURISDICTION

The court has jurisdiction based on the violation of a Federal question more particularly
violation of the IDEA, 20 USC sec. 1400 et. Seq. the Rehab Act.

FACTS

1. At all relevant times herein the Plaintiff was a resident of Tulsa County and a student at the Broken Arrow Public Schools.
2. That at all relevant times herein the Defendant was responsible for providing public education services in the Broken Arrow School District.
3. That at all relevant times herein the Defendant was acting under the color of law.
4. That the Plaintiff transferred to the Broken Arrow Public School during he fourth grade year in on or about 1996

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5. That the Plaintiff is currently enrolled as a student in the Broken Arrow School system.
6. That immediately upon arrival at the District he began having trouble with written expression and mathematics.
7. That the Plaintiff's mother informed schools of these problems and no testing was done nor accommodations made for the Plaintiff in the classroom.
8. That the problems continued and increased in severity during the fifth and sixth grade.
9. The problems continued into the seventh grade when the student received failing grades within at least two subject areas.
10. The Plaintiff's parents complained that they believed that the Plaintiff's academic performance occurred as a result of a Learning Disability in mathematics or as a result of the Plaintiff's ADD.
11. Therefore, the Plaintiff's Parents requested that the Plaintiff be identified as a child in need of special services pursuant to the IDEA.
12. The Defendant refused and the Parents were forced to do much of their own testing for a learning disability.
13. The Plaintiff filed for a state administrative due process hearing.
14. On January 29, 2001 the Plaintiff prevailed and the hearing officer entered a order identifying the Plaintiff a child with a specific learning disability in mathematics and ordered that a Individual Education Program be designed within 30 days.
15. The Plaintiff exhausted his administrative remedies and brings this action herein.

COUNT I

Failure to properly identify the Plaintiff as a child in need of special services

16. The Plaintiff incorporates paragraph 1 thru 15 by reference herein
17. The Defendant has an affirmative obligation to find and evaluate children in need of special services.
18. The Defendant knew or had reason to know that the Plaintiff was a child in need of special services and failed to take the steps to identify his condition.
19. That the Plaintiff's disability adversely and substantially effected his educational performance.
20. As a result of the Defendant's failure the Plaintiff was harmed.

Count II

The Defendant failed to provide the Plaintiff with the proper procedural safeguards during the Plaintiff's educational experience.

21. The Plaintiff incorporates paragraphs 1 thru 20 by reference herein.
22. The Defendant has an affirmative duty to provide the Plaintiff with notice of rights when a dispute arising concerning a student's status of having a learning disability.
23. The Defendant failed to provide any notice of rights after repeated requests by the Plaintiff's mother for such information.
24. As a direct result of the Defendant's behavior the Plaintiff was harmed.

COUNT III

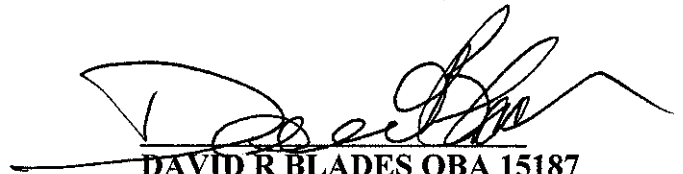
Denial of access to a free and appropriate public education

25. The Plaintiff incorporates paragraphs 1 thru 24 by reference herein.
26. The Defendant is required to provide access to a free and appropriate public education.
27. The Defendant denied the Plaintiff a free and appropriate public education in that no accommodations were made for his disability.
28. That as a result of the Defendant's actions the Plaintiff was injured.

WHEREFORE, the Plaintiff prays for Judgment against the Defendant for compensatory damages, including but not limited to emotional pain, loss of reputation, and suffering, loss of educational opportunity; the costs of the action including a reasonable attorney fee; and other relief the court deems just and equitable.

Respectfully submitted,

Attorneys for the Plaintiff

A handwritten signature in black ink, appearing to read "David R. Blades", is written over a horizontal line.

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